

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 27 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SURAT TEXTILE MARKET CO.OP. SHOPS AND WAREHOUSES SOC.LTD.

Versus

SURAT MUNICIPAL CORPORATION

Appearance:

MR ARUN H MEHTA for Appellant

MR PRASHANT G DESAI for Respondent Nos. 1 to 4

MR DD VYAS for Respondent No. 5

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 08/09/98

ORAL JUDGEMENT

1. Heard the learned counsel for the respective parties. Mr. A.H. Mehta, learned counsel for the appellant places on record a certified copy of the judgment and order passed in Misc. Civil Appeal No. 342/95 with Misc. Civil Appeal No. 15/96. It is a common ground that the order passed by the trial court below exh. 5 which is the subject matter of the present

appeal, was also challenged before the District Court, by the Surat Municipal Corporation in the first of the two appeals referred to above, and by the present appellant in the second of the appeals mentioned hereinabove. The two appeals were heard together and decided by a common judgment and order dated 19th August, 1998. It may merely be noted at this stage that in neither of the appeals, had any of the parties contended that those appeals filed before the District Court were incompetent, and that this Court would be the competent Court to hear the appeal arising from the impugned order.

2. In the premises aforesaid, since the aforesaid appeals have been heard and decided by the District Court, the present appeal is redundant and the same is accordingly disposed off with no order as to costs.

3. Liberty to apply in case of difficulty.

Amp/-